IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
Review Application No.140 of 2007
in
Writ Petitio No.8552 of 2006.

Manisha Triplex Bungalow
Co-op. Hsg. Soc. Ltd. ..Applicant

versus

Hariram Agarwal ..Respondent.

Mr.V.K.Chaudhari for the Applicant

Mr.Vijay Patil for the Respondent

Coram : S.R.Sathe, J.
Dated : 24th Sept., 2007

P.C.

1. Heard learned both the learned Advocates.

2. The Original Petitioner has filed this Review Application seeking review of the Order passed by this Court on 24.7.2007.

3. The Petitioner had recovered extra transfer premium from the Respondent and hence he claimed the said extra premium from the Petitioner society. The Co-operative Court as well as the Co-operative Appellate Court passed an order in favour of the Respondent and the same has been confirmed in the above mentioned Writ Petition by this Court by

passing elaborate Order.

4. The bare reading of the present Review Application indicates that the applicant has in fact not made out any valid ground for review. The points which were agitated at the time of hearing of the Writ Petition are again now agitated. Merely because the Respondent had initially paid the amount voluntarily, it cannot be said that there is necessity to review the Order. Moreover, this contention is also considered in the earlier Order.

5. The learned advocate for the Applicant argued before me that the Circular issued by the Commissioner of Co-operation and Registrar, CSMS, Pune dated 20.7.1989 is not applicable to the present society as the present society is a tenant co-partnership housing society. According to him the said circular is applicable to co-ownership society. However, he has not pointed out any specific circular to that effect.

6. The learned advocate for the application was unable to point out any mistake or error apparent from the face of the record and as a result of which

the Order in question came to be passed. The learned advocate for the applicant has also failed to point out any error of law in the earlier order. It is not even the case of the applicant that subsequent to the passing of the order in the above mentioned Writ Petition, new or important facts have been discovered with regard to the subject matter in question. Thus, I have absolutely no hesitation to hold that the applicant has miserably failed to make out any ground for review of the order passed on 24.7.2007. Hence, application for review is dismissed.

(S.R.Sathe, J.)